

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Case No. 16-cr-51-pp

Plaintiff,

v.

DARIUS TOLIVER,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DKT. NO. 59) AND ACCEPTING DEFENDANT'S
GUILTY PLEA**

On November 4, 2016, the defendant and his counsel appeared before Magistrate Judge David E. Jones for a change-of-plea hearing. Dkt. No. 2. The hearing originally had been scheduled to take place before Judge Pepper, but due to her illness, Judge Jones offered to take the plea. Both parties consented to Judge Jones taking the plea. Id. at 1. Judge Jones reported that the defendant was "lucid, intelligent, and not under the influence of any intoxicants or substances." Id. Judge Jones also concluded, and recommended that this court find, that the defendant's plea was knowing and voluntary, and supported by an independent factual basis. Id. at 2. Judge Jones recommended that this court accept the defendant's guilty plea and schedule the case for sentencing. Id.

No party has objected to Judge Jones' report and recommendation. Having reviewed the case, and in particular, the plea hearing and Judge Jones'

findings, the court **ADOPTS** Judge Jones' report and recommendation. The court **ACCEPTS** defendant Darius Toliver's guilty plea, finding that he made it knowingly and voluntarily, understanding his rights and the consequences of his plea. The court **ORDERS** that the probation department begin the process of preparing a presentence investigation report. The court's staff will contact the parties (including the probation officer) to schedule a date for the sentencing hearing, as well as deadlines for disclosure of the draft presentence investigation report, objections to the report, responses, the filing of letters or other supporting documentation, and the filing of the revised presentence report.

Dated in Milwaukee, Wisconsin this 28th day of November, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge